SOUTHERN DISTRICT OF NEW YORK		
	X	
TASHICA PICKERING,	· :	
Plaintiff,	:	
	:	20-CV-6055 (JMF)
-V-	:	
	:	<u>ORDER</u>
LIBERTY MUTUAL INSURANCE CO.,	:	
Defendant.	:	
	:	
	X	

JESSE M. FURMAN, United States District Judge:

On September 16, 2020, Defendant filed a motion to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a plaintiff has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

Accordingly, it is hereby ORDERED that Plaintiff shall file any amended complaint by **October 7, 2020**. Plaintiff will not be given any further opportunity to amend the complaint to address issues raised by the motion to dismiss.

If Plaintiff does amend, by three (3) weeks after the amended complaint is filed, Defendant shall: (1) file an answer; (2) file a new motion to dismiss; or (3) file a letter on ECF stating that it relies on the previously filed motion to dismiss. If Defendants files an answer or a new motion to dismiss, the Court will deny the previously filed motion to dismiss as moot. If Defendants file a new motion to dismiss, any opposition shall be filed within fourteen days, and any reply shall be filed within seven days of any opposition.

If no amended complaint is filed, Plaintiff shall file any opposition to the motion to dismiss by October 7, 2020. Defendant's reply, if any, shall be filed by October 14, 2020.

It is further ORDERED that the initial pretrial conference previously scheduled for October 21, 2020 is adjourned *sine die*.

Finally, as counsel for Plaintiff still has not entered an appearance in this case notwithstanding the Court's prior Order, *see* ECF No. 4, within two business days of the date of this Order, Defendant is directed to serve on Plaintiff a copy of this Order, and to file proof of such service on the docket. Counsel for Plaintiff is *again* directed to file a notice of appearance on the docket within two business days of such service.

SO ORDERED.

Dated: September 17, 2020

New York, New York

United States District Judge